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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,470	07/29/2003	Kazuhiro Matsuyama	59651 (49321)	9184
21874	7590	01/12/2005	EXAMINER	
EDWARDS & ANGELL, LLP			NGUYEN, ANTHONY H	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	
			2854	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,470	Applicant(s) MATSUYAMA ET AL.	
	Examiner Anthony H Nguyen	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Takehara et al. (US 6,290,220) in view of Shiraishi (US 6,445,891).

With respect to claims 1,4-7 and 9, Takehara et al. teaches an image forming apparatus 300 having a sheet eject mechanism 7, 180b, 140 which is movable between an initial position and a sorting position and a control device 930 for controlling the sheet feeding mechanism via sensors S203-S206 as shown in Figs. 1,3,9 and 23-25. Takehara et al. does not clearly teach the control device which regulating a delay time required for the sheet mechanism moving from the initial position to the sorting position or other position. Shiraishi teaches a control device (CPU) 31 which regulates a delay time for the sheet eject mechanism from a position to other position via the initial sensor 26, the timing sensors 25, 38 and an offset motor 37. In view of the teaching of Shiraishi, it would have been obvious to one of ordinary skill in the art to modify the image forming apparatus of Takehara et al. by providing a control device as taught Shiraishi to improve the efficiency of feeding a print medium to a stacker. With respect to claims 2 and 6, Shiraishi teaches the use of the control device 31 which compares the transport interval with a preset or predetermined time to set a delay time (Shiraishi, Fig.4 and col.3, the second and third paragraphs). With respect to claims 3,4,7 and 8, the use of a control device to determine the size

of a sheet and calculate the transport interval with a reference delay time is conventional as exemplified by Shiraishi. Shiraishi teaches a control device that detects an error in the timing of offset stacker (Shiraishi, the abstract).

Response to Arguments

Applicants' arguments filed on October 31, 2004 have been fully considered but they are not persuasive of any error in the above rejection.

Applicant argues that Takehara et al. fails to teach the sheet eject mechanism and a controller as recited in claim 1. Specifically, applicant argues that Takehara et al. does not teach sheet eject mechanism movable between an initial position and a sorting position.

However, as recognized by applicant, the sheet mechanism of Takehara et al. can be moved so as to align the printed sheets which are discharged to a treating tray via the aligning members 141, 142 so that the printed sheets can be stapled into bundles that are stacked in an offset position and discharged to a stacking tray. Shiraishi teaches clearly the control device which regulates a delay time for the sheet eject mechanism from a position to other position using sensors and an offset motor. Therefore, the combination of Takehara et al. and Shiraishi renders obvious the structure as recited in claims 1 and 5.

Applicant argues that Shiraishi does not teach or suggest the image forming apparatus the delay time which is based on a comparison of the transport time interval of the sheets.

As explained above, Shiraishi teaches the conventional use of the control device which compares the transport interval that is based on the preset or predetermined time to set a delay time. The combination of Takehara et al. and Shiraishi renders obvious the structure as recited in claim 2.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.d. 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.d. 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Takehara et al. and Shiraishi are in the image forming apparatus and method controlling the image forming apparatus. One of ordinary skill in the art would have found the controller which regulates the delay time in Shiraishi for the sheet mechanism of Takehara et al. to have been obvious. It is believed that the rejections are proper and the prior art applied renders obvious the structure recited by the claims.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169.

The examiner can normally be reached daily from 9 AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

A handwritten signature in cursive script, reading "Anthony Nguyen". The signature is written in black ink and is positioned above the printed name and title.

Anthony Nguyen
1/10/05
Patent Examiner
Technology Center 2800